

**COMMITTEE OF ADJUSTMENT
PLANNING REPORT**

Application: A16/24
Related Application(s): N/A
Owner(s): Steven & Wendy Maenz
Meeting Date: January 31st, 2025
Prepared by: Owen Curnew, Development Planner

PROPERTY INFORMATION:

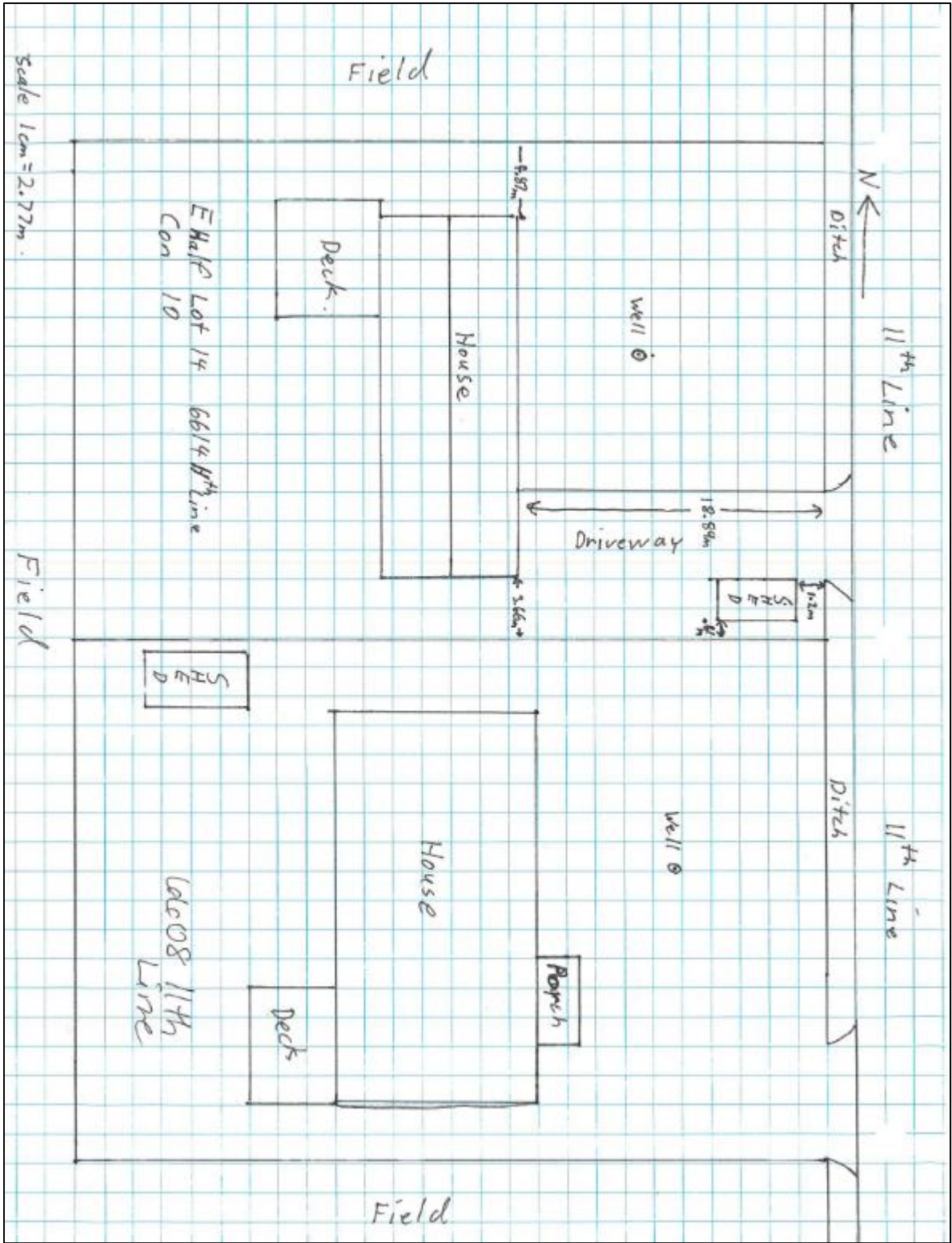
Municipal Address	6614 11 th Line
Legal Description	PT LT 14 CON 10 ESSA TWP AS IN RO1215106 ; ESSA
Roll No.	432101000602303
Official Plan	Agricultural
Zoning By-law	Agricultural (A) a

RECOMMENDATION:

Staff recommends **APPROVAL** of Application A16/24 based on Planning Policy and all considerations, with the following conditions:

1. That all municipal taxes be paid and up to date.
2. That any and all external costs associated with this application are borne by the applicant.
3. That the proper Building Permit(s) be obtained.

Proposal:



DATE OF SITE INSPECTION

January 14th, 2025

REASON FOR THE APPLICATION:

The applicant is seeking relief from Subsection 5.3 (c) and (d) of Zoning By-law 2003-50 which regulates the minimum front yard setback for an accessory building for lands zoned Agricultural (A) at 18.0m and the minimum side yard setback at 3.0m, respectively. The applicant has an existing shed which is currently located 1.2m from the front yard lot line, and 0.6m from the side yard lot line. The applicant is hoping to bring the shed into compliance through a Minor Variance.

SURROUNDING LANDS:

North	The property abuts 6650 11 th line which is comprised of an actively farmed field.
East	The property fronts onto 11 th Line.
South	The property abuts 6608 11 th Line which is comprised of a single-family dwelling.
West	The property abuts 6650 11 th line which is comprised of an actively farmed field.

BACKGROUND:

The subject property, municipally known as 6614 11th Line, is zoned Agricultural (A) Zone in the Essa Zoning By-law (2003-50).

The Township received a complaint regarding a potential compliance issue related to a shed that may be located too close to the road (11th Line) and neighbouring lot line. Upon inspection by a Municipal By-law Enforcement Officer, the shed was confirmed to be located too close to the side and front lot lines, as a minimum of 3.0-metres and 18-metres is required, respectively.

The applicant has provided a signed document from their neighbours indicating support of the proposed variance for consideration of staff and Committee Members. Staff has confirmed that the shed is below the 160ft², therefore, a Building Permit would not require any additional approvals upon approval of the proposed minor variance.

The proposed variance would bring the shed into conformance with Zoning By-law 2003-50 and would resolve the non-compliance issue.

COMMENTS:

Test 1.

Does the minor variance maintain the general intent and purpose of the Township Official Plan (OP)? Yes

Essa Townships Official Plan:

Section 6.2 outlines permitted uses in lands designated Agricultural, stating that a building and structures normally incidental to an agricultural operation such as farm residences, barns, sheds, etc. are also permitted.

The Variance would not expand beyond the residential uses permitted as a shed is explicitly mentioned as a permitted use.

Therefore, the variance generally maintains the intent and purpose of the Township's Official Plan.

Test 2.

Does the minor variance maintain the general intent and purpose of the By-law? Yes

Essa Township Zoning By-law (2003-50):

Section 6 of Essa Township's Zoning By-law 2003-50 outlines permitted uses in lands zoned Agricultural (A). Specifically, Section 6.2 (h) identifies accessory buildings as a permitted use.

The applicant is seeking relief from Subsection 5.3 (c) and (d) of Zoning By-law 2003-50 which regulates the minimum front yard setback for an accessory building for lands zoned Agricultural (A) at 18.0m and the minimum side yard setback at 3.0m. The applicant has an existing shed which is currently located 1.2m from the front yard lot line, and 0.6m from the side yard lot line. The applicant is hoping to bring the shed into compliance through a Minor Variance.

The intent and purpose of the above-mentioned section is to mitigate potential nuisances between neighbouring properties. Given that the applicant has provided documentation with the signature of the abutting neighbour in support of the application, and that all neighbours will be circulated a notice of this application and able to provide comment, staff has no concerns with the variance causing conflicts between the subject and neighbouring properties at this time.

Thus, the variance would generally maintain the intent and purpose of Essa Township's Zoning By-law (2003-50).

Test 3.

Is the minor variance desirable for the appropriate development or use of the land, building or structure? Yes

The proposal does not appear to impact any additional provisions, nor would it create any conflicting uses or nuisances for neighbouring properties in terms of visual, noise, or developmental impacts when considering the significant tree coverage and distances from the neighbouring properties.

Staff does not see any issues regarding conflicts between the roadway and the shed, and has no concerns from a municipal perspective regarding road obstruction or safety.

Therefore, the variance should be considered appropriate use of the land and building.

Test 4.

Is the requested variance minor in nature? Yes

The Minor Variance would allow the applicant relief from Section 5.3 (c) and (d) of Zoning By-law 2003-50. The variance proposes to reduce the minimum front yard and side yard setbacks by 16.8-metres and 2.4-metres, respectively. The reductions are moderately large numerically but represent no practical impact on the subject property, municipal roads, or neighbouring properties.

As stated previously, the signed document from the neighbours in support of the application and assurance from the Township's Public Works Department, speaks to the lack of significance and effects that the reduced setbacks would cause.

Thus, the variance should be considered 'minor' in nature.

ADDITIONAL COMMENTS:

No other comments were received during the circulation of the application.

CONCLUSION:

For the above reasons, Staff recommends **APPROVAL** of this application.

Staff advises that:

The applicant be **GRANTED** the minor variance with conditions.

Respectfully submitted,



Owen Curnew
Planning Department
Township of Essa